



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Criminal Case No. 08CR1368-BTM  
 )  
Plaintiff, ) I N F O R M A T I O N  
 ) (Superseding)  
v. ) Title 8, U.S.C., Sec. 1325 -  
 ) Illegal Entry (Misdemeanor);  
MACARIO LEYVA-CANO, ) Title 8, U.S.C., Sec. 1325 -  
 ) Illegal Entry (Felony)  
Defendant. )  
\_\_\_\_\_ )

The United States Attorney charges:

Count 1

On or about January 26, 2004, within the Southern District of California, defendant MACARIO LEYVA-CANO, being an alien, unlawfully entered or attempted to enter the United States at a time and place other than as designated by immigration officers, and eluded examination and inspection by immigration officers, and attempted to enter or obtained entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact; in violation of Title 8, United States Code, Section 1325, a misdemeanor.

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Count 2

On or about March 24, 2008, within the Southern District of California, defendant MACARIO LEYVA-CANO, being an alien, unlawfully entered or attempted to enter the United States at a time and place other than as designated by immigration officers, and eluded examination and inspection by immigration officers, and attempted to enter or obtained entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact and previously committed the offense of illegal entry, as alleged in Count 1; all in violation of Title 8, United States Code, Section 1325, a felony.

DATED: June 17, 2008

KAREN P. HEWITT  
United States Attorney

*for*   
CHARLOTTE E. KAISER  
Assistant U.S. Attorney